

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION

CRIMINAL NO. 2:05CR14

UNITED STATES OF AMERICA

vs.

TIMOTHY ASHLEY PADGETT

ORDER

THIS MATTER is before the Court on the Defendant's motion for "clarification of sentencing and monetary penalties" filed September 19, 2007.

The Defendant requests the Court to clarify its Judgment regarding whether or not he and his co-Defendants are jointly and severally liable for the amount of restitution ordered. The Court's Judgment is unambiguous. The Judgment states the Defendant is jointly and severally liable with his co-Defendants for the total amount of restitution, and "payment of criminal monetary penalties [*i.e.*, fines and restitution] shall be due during the period of imprisonment." **Judgment in a Criminal Case, filed December 30, 2005, at 5, 5a.**

Defendant also requests the Court advise him how much his co-Defendants have paid toward the restitution balance. Although the Court does not have this information, the Defendant may direct his inquiries to the Clerk of this Court.

IT IS, THEREFORE, ORDERED that the Defendant's motion for clarification is hereby **DENIED**.

Signed: September 25, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

